

**Ryan, Robin**

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**From:** ChristiansenM@mail.opd.state.wi.us  
**Sent:** June 13, 2003 11:32 AM  
**To:** Robin.Ryan@legis.state.wi.us; kelley.willett@legis.state.wi.us  
**Cc:** GingerK@mail.opd.state.wi.us  
**Subject:** revised proposal!

Hi Robin and Kelley – The first section (re statutory changes) has been revised to reflect the new dates we discussed and the new dollar amounts, consistent with those dates. No doubt, some of the procedural point in the following section will change, but I don't think you need any of that right now to proceed. Please let me know if you have any questions!

Megan

06/13/2003

## SPD Eligibility Proposal

### Statutory Changes:

- 1) Modify § 977.07(2) relating to SPD eligibility determinations to, effective January 1, 2004~~July 1, 2003~~, delete the current linkage to the obsolete AFDC table under § 49.19(11)(a)(1a, and instead, establish the eligibility standard as that for Wisconsin Works under § 49.145(3)(b), which is 115% of the Federal Poverty Level (FPL). Modify other criteria in that section to, with the exception of equity in the principal residence, be consistent with W-2 under § 49.145(3)(a). That is, to allow assets with a combined equity value up to \$2,500, excluding the equity value of vehicles up to \$10,000 and excluding equity in the principal residence up to \$30,000. (Note that the W-2 program has no limit for excludable equity in the residence.)
- 2) Modify chapter 977 to exempt commitment cases under chapters 51 and 55 from eligibility determination requirements, effective January 1, 2004. (Currently, SPD only appoints counsel in non-juvenile cases if the applicant provides financial information that supports the claim of indigency. Many defendants in commitment cases are unable to cooperate; thus the SPD may not appoint. Judges nearly always appoint counsel in commitment cases.) The collection process for these cases would be streamlined; commitment clients would be charged \$60 at the end of the case.
- 3) Modify Chapter 977 to direct the SPD to account separately for appointments in which the defendant meets the revised eligibility criteria but would not have met the old, AFDC-based criteria (i.e., "Dean" cases) until June 15, 2005~~December 30, 2004~~\*, and bill the county in which the defendant is charged, at the time the case is opened, for representation in each "Dean" case, for a fixed cost for each major case type (see #3, following section). Further, modify the appropriate section of the statutes (ch. 977?) to state that counties are required to pay for these cases. Include a sunset for both provisions of ~~December 31, 2004~~\*. *June 15, 2005*
- 4) Establish a new program revenue (PR) – continuing appropriation under §20.550(1)(j) for "Collections from Counties; Private Bar and Investigator Payments". Provide expenditure authority for payments to private bar attorneys for the portion of the additional cases that will be appointed to them. Total PR funding in FY04 would be ~~\$1,729,400~~\*770,000\*. Total PR funding in FY05 would be ~~\$1,111,700~~\*1,454,400. All monies received from counties for "Dean" cases, after first deducting the amounts appropriated under par. (ja), would be deposited in this appropriation
- 5) Establish a new program revenue (PR) – continuing appropriation under §20.550(1)(ja) for "Collections from Counties; Representation." Provide 29.0 FTE attorneys and 15.25 FTE support staff (all PR), and expenditure authority for associated salaries, fringe benefits and supplies/services. Total PR funding in FY04 would be ~~\$2,166,500~~\*1,524,200\*. Total PR funding in FY05 would be ~~\$2,569,200~~\*2,470,400\*.

- 6a) Modify §20.550(1)(L) describing the PR appropriation in which the SPD deposits money collected from clients toward the cost of representation, to specify that all monies collected for cases for which a county was billed as described herein will be forwarded to the appropriate county. Or, see following alternative 6b):
- 6b) Alternate funding for converting positions to GPR-effective June 16, 2005: As described above in 6a), the current proposal assumes that any fees collected from the Dean case clients will be returned to the county of appointment. As an alternative, these funds could be retained by the State Public Defender (SPD) to establish the positions as GPR with no cost to the general fund. Currently, about 17% of clients pay the lower upfront collection fee. Based on this average rate of payment, the new cases would generate about \$10,000 per month. Due to the higher incomes of the new clients, if the SPD collects these fees in 19% of the cases for 17 months, this would sufficiently fund two weeks salary for one month of the new positions.

Under this proposal, the conversion to GPR positions would take place on June 16, 2005. The legislation would require that the SPD lapse the first \$98,800 of fees collected from the new clients to the general fund. The positions would continue as GPR in the 05-07 Biennium. ~~(There would not be sufficient collections to sustain more than one month of funding.)~~ Any additional collections, over and above \$98,800, would be returned to the counties on a prorated basis.

Note: The estimate assumes the legislation is effective January 1, 2004. If effective earlier, the revenue estimate would be higher.

- 7) The enabling legislation would also, effective ~~January 1~~ <sup>16</sup> ~~June 15, 2005\*~~ <sup>to be consistent with 6b</sup> 1) convert the 44.25 PR positions to GPR in the Trial Division appropriation under §20.550(1)(c); and 2) provide additional FY05 funding of \$98,800 + 1,284,600\* in that appropriation. The SPD would continue to appoint in all cases up to 115% of FPL, but the charge-backs to counties would end at that time. Note that this GPR increase would be offset by the lapse described in 6b, above.

#### Procedures:

- 1) SPD will appoint counsel in all cases that meet the revised guidelines.
- 2) The positions provided, first PR-funded and ultimately as GPR, will allow the SPD to appoint staff attorneys in 75% of the projected 13,026 additional cases each year resulting from the change in eligibility guidelines. It is assumed that private bar attorneys would be appointed in the remaining 25% of cases due to staff conflicts of interest and prior pending cases already appointed to private bar attorneys.

- 3) During the 2003-2005 biennium, SPD will bill counties at the following rates for each case type, upon appointment of counsel:

	<u>FY04*</u>	<u>7/1 – 12/30/04*</u>	<u>Est. Cases **</u>
Appellate	\$1,194.15	\$1,128.27	N/A
Class A/B/C Felony	\$1,637.75	\$1,547.40	13
Commitment	\$ 215.45	\$ 203.56	793
Felony – Other	\$ 643.42	\$ 607.93	2,548
Chapter 55	\$ 304.38	\$ 287.59	26
Homicide	\$5,210.93	\$4,923.47	0
Misdemeanor	\$ 242.11	\$ 228.75	9,113
Paternity	\$ 339.92	\$ 321.17	26
Revocation	\$ 398.71	\$ 376.71	117
Special	\$ 215.18	\$ 203.30	351
TPR	\$1,113.65	\$1,052.22	26
Sexual Predator – Original	\$4,646.43	\$4,390.11	13
Sex. Pred. – Post-Conviction	\$ 947.82	\$ 895.53	0

(\* Note: estimated cases are provided to show the distribution, statewide, of the projected 13,026 trial level “Dean” cases per year for which the SPD would provide representation and bill counties.)

- 4) These rates are blended to reflect the projected mix of cases assigned to staff and private bar attorneys each year. The assumption is that the bill would be effective 7/1/03\*, with staff authorized as of 10/1/03\*, and that caseloads for the new staff would begin 11/1/03\*. Thus, private bar attorneys would be appointed primarily in all the new “Dean” cases between *July 1 and October 31, 2003\**. After that, staff would be appointed in approximately 75% of the new cases.
- 5) Note that assigning most of the cases to staff attorneys is more cost effective than assigning all of them to private bar attorneys. This mix of staff and private bar attorneys results in the cost per case being: for FY04, 87.6%\* of the average that the SPD paid private bar attorneys for cases in FY02; and for FY05, 82.8%\* of the FY02 average.
- 6) Savings to counties - and ultimately, taxpayers - would be considerable. For instance, in FY02 the SPD paid private bar attorneys, at \$40 per hour, an average of \$734.43 for each regular felony assigned. In calendar 2001, the most recent for which data is available, counties reported paying, on average, \$69 per hour to private attorneys. At \$69 per hour, a county would pay an average of \$1,266.90 for each felony, which is 72.5% more than the SPD paid at \$40 per hour. Under this proposal, in FY04, the SPD would charge counties \$643.42\* for each regular felony, which represents a 49%\* savings for counties. And, after the charge-back period ends, the state would pick up the full cost, ending county liability for representing indigents who then would qualify for representation by the State Public Defender at state expense.

\* *Note that if the effective date for the bill or for the charge-back sunset change, the dollar amounts will need to be modified.*



State of Wisconsin  
2003 - 2004 LEGISLATURE

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LRB-273041

RLR&MGD:kjf&kig:mk

wanted ~~done~~ Monday  
in 6/13/03

stays

2003 BILL

RMRE

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1 AN ACT *to repeal* 20.550 (1) (j), 20.550 (1) (ja), 51.45 (12) (b) 2., 977.07 (2) and  
2 977.08 (2) (d); *to renumber* 977.077; *to renumber and amend* 967.06; *to*  
3 *consolidate, renumber and amend* 51.45 (12) (b) (intro.), 1. and 3.; *to*  
4 *amend* 20.550 (1) (f), 20.550 (1) (fb), 20.550 (1) (L), 51.15 (9), 51.20 (3), 51.20  
5 (18) (c), 51.35 (1) (e) 1., 51.35 (1) (e) 2. c., 51.45 (12) (c) 2., 51.45 (13) (b) 2., 51.45  
6 (13) (d), 51.45 (13) (j), 51.45 (16) (c), 55.06 (11) (a), 303.065 (5) (dm), 809.30 (2)  
7 (d), 814.69 (1) (a), 880.33 (2) (a) 2., 973.06 (1) (e), 977.02 (2m), 977.02 (3), 977.05  
8 (4) (gm), 977.05 (4) (h), 977.05 (4) (i) 4., 977.06 (1) (a), 977.06 (1m), 977.06 (2)  
9 (a), 977.06 (2) (a), 977.06 (2) (am), 977.07 (1) (a), 977.07 (1) (c), 977.08 (1), 977.08  
10 (2) (intro.) and 977.085 (3); and *to create* 20.550 (1) (j), 20.550 (1) (ja), 51.60,  
11 55.06 (11) (bm), 967.06 (2) (b), 977.07 (2g), 977.075 (6) and 977.077 (2) of the

**BILL**

- 1 statutes; **relating to:** indigency determinations and provision of legal services  
 2 by the State Public Defender and making appropriations.

***Analysis by the Legislative Reference Bureau***

and Under current law, the State Public Defender (SPD) provides counsel to represent people in various legal proceedings, including criminal proceedings that may result in imprisonment, emergency detention or involuntary civil commitment proceedings, proceedings for the protective placement of an adult, paternity determinations, juvenile delinquency proceedings, ~~and child in need of protective services proceedings.~~ The SPD provides counsel to children regardless of the child's income or assets, but only provides counsel to adults whom the SPD determines are indigent.

Current law provides that a person is indigent for purposes of SPD representation if the person's income and assets, after deduction for reasonable and necessary living expenses, are insufficient to cover the cost of effective legal representation. Current law equates reasonable and necessary living expenses with benefit amounts under the former Aid to Families with Dependent Children program.

However, in determining whether a person can afford counsel, courts are not limited by the SPD indigency criteria. If a person is the subject of a legal proceeding for which appointed counsel is a right for persons who cannot afford counsel, and the person offers proof that he or she cannot afford counsel, the court must independently review the person's circumstances. If the court finds that the person cannot afford counsel and does not meet the criteria for SPD appointment, the court must appoint private counsel and the county in which the court sits must pay the appointed counsel.

Effective January 1, 2004  
 This bill changes the criteria for determining indigency for purposes of SPD representation. Under the bill, a person is indigent for purposes of SPD representation if he or she meets the financial eligibility criteria for the Wisconsin Works program (the person's household income does not exceed 115% of the federal poverty line and the person's household assets, after excluding up to \$10,000 for a vehicle and the value of the person's home, do not exceed \$2,500), except that the asset exclusion for a home is limited to \$30,000 for SPD representation. The change in criteria for determining indigency is effective on the day after this bill is published as an act or the day after the effective date of the 2003-05 biennial budget act, whichever is later.

The bill further requires that counties reimburse the SPD for providing counsel to persons who qualify as indigent under the bill, but who would not qualify as indigent under current law. The reimbursement requirement applies to cases for which the SPD assigns counsel on or after the effective date of the change in criteria for determining indigency and before December 31, 2004. The bill requires the SPD to charge counties flat fees based on the type of case for which counsel is provided, for example, a felony prosecution or a civil commitment proceeding. The bill also

on or after January 1, 2004, and before June 16, 2005

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**BILL**

~~appropriates money and provides position authority for the SPD to hire 4.25 full-time equivalent positions, effective October 1, 2003~~

2004  
Finally, effective January 1, 2004, the bill requires the SPD to provide legal representation to any person, regardless of whether the person is indigent, who seeks SPD representation and is the subject of an involuntary commitment proceeding for mental health or alcoholism treatment, a protective placement proceeding, or a proceeding to appoint a guardian because the person is alleged to be not competent to refuse psychotropic medication. The bill requires the SPD to charge the person \$60 for legal representation.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. 20.005 (3) (schedule) of the statutes: at the appropriate place, insert the following amounts for the purposes indicated:

	2003-04	2004-05
<b>20.550 Public defender board</b>		

(1) LEGAL ASSISTANCE

(ja) Payments from counties; state

public defender representation PR

1,524,200  
2,470,400  
2,166,500  
2,569,200

SECTION 2. 20.550 (1) (f) of the statutes is amended to read:

20.550 (1) (f) *Transcripts, discovery, and interpreters.* The amounts in the schedule for the costs of interpreters and discovery materials and for the compensation of court reporters or clerks of circuit court for preliminary examination, trial, and appeal transcripts, and the payment of related costs under s. 967.06 (3).

SECTION 3. 20.550 (1) (fb) of the statutes is amended to read:

20.550 (1) (fb) *Payments from clients; administrative costs.* The amounts in the schedule for the costs of determining, indigency under s. 977.07 (1) (a) and (2g) and



**BILL****SECTION 3**

1 for collecting and processing the payments received from persons as payment for  
2 legal representation under s. 977.07 (2) (2m), 977.075 or 977.076.

3 **SECTION 4.** 20.550 (1) (j) of the statutes is created to read:

4 20.550 (1) (j) *Payments from counties; private bar and investigator*  
5 *reimbursement.* All moneys received from fees paid by counties under 2003  
6 Wisconsin Act .... (this act), section 52 (1), after deducting the amounts appropriated  
7 under par. (ja), to reimburse private attorneys and contract for the services of private  
8 investigators in cases for which counties pay a fee under 2003 Wisconsin Act .... (this  
9 act), section 52 (1).

10 **SECTION 5.** 20.550 (1) (j) of the statutes, as created by 2003 Wisconsin Act ...  
11 (this act), is repealed.

12 **SECTION 6.** 20.550 (1) (ja) of the statutes is created to read:

13 20.550 (1) (ja) *Payments from counties; state public defender representation.*  
14 As a continuing appropriation, from the moneys received from fees paid by counties  
15 under 2003 Wisconsin Act .... (this act), section 52 (1), the amounts in the schedule  
16 for the costs of representation provided by the office of the state public defender in  
17 cases for which counties pay a fee under 2003 Wisconsin Act .... (this act), section 52  
18 (1).

19 **SECTION 7.** 20.550 (1) (ja) of the statutes, as created by 2003 Wisconsin Act ...  
20 (this act), is repealed.

21 **SECTION 8.** 20.550 (1) (L) of the statutes is amended to read:

22 20.550 (1) (L) *Private bar and investigator reimbursement; payments for legal*  
23 *representation.* All moneys received, after first deducting the amounts appropriated  
24 under par. (fb), from persons as payment for legal representation to be used for the  
25 reimbursement of private attorneys appointed to act as counsel for a child or an

## BILL

1 indigent person under s. 977.08 and, for reimbursement for contracting for services  
2 of private investigators, and to reimburse counties as provided under s. 977.077 (2).

3 **SECTION 9.** 51.15 (9) of the statutes is amended to read:

4 51.15 (9) NOTICE OF RIGHTS. At the time of detention the individual shall be  
5 informed by the director of the facility or such person's designee, both orally and in  
6 writing, of his or her right to contact an attorney and a member of his or her  
7 immediate family, the right to have an attorney provided at public expense, as  
8 provided under s. 967.06 and ch. 977, if the individual is a child or is indigent, 51.60,  
9 and the right to remain silent and that the individual's statements may be used as  
10 a basis for commitment. The individual shall also be provided with a copy of the  
11 statement of emergency detention.

12 **SECTION 10.** 51.20 (3) of the statutes is amended to read:

13 51.20 (3) LEGAL COUNSEL. At the time of the filing of the petition the court shall  
14 assure that the subject individual is represented by adversary counsel. ~~If the~~  
15 ~~individual claims or appears to be indigent, the court shall refer the person to the~~  
16 ~~authority for indigency determinations specified under s. 977.07 (1). If the~~  
17 ~~individual is a child, the court shall refer that child~~ by referring the individual to the  
18 state public defender, who shall appoint counsel for the ~~child~~ individual without a  
19 determination of indigency, as provided in s. 48.23 (4) 51.60.

20 **SECTION 11.** 51.20 (18) (c) of the statutes is amended to read:

21 51.20 (18) (c) Expenses of the proceedings from the presentation of the  
22 statement of emergency detention or petition for commitment to the conclusion of the  
23 proceeding shall be allowed by the court and paid by the county from which the  
24 subject individual is detained, committed, or released, in the manner that the  
25 expenses of a criminal prosecution are paid, as provided in s. 59.64 (1). Payment of

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**BILL****SECTION 11**

1 attorney fees for ~~appointed attorneys in the case of children and indigents~~ appointed  
2 under s. 51.60 shall be in accordance with ch. 977.

3 ~~SECTION 12~~ <sup>11</sup> 51.35 (1) (e) 1. of the statutes is amended to read:

4 51.35 (1) (e) 1. Whenever any transfer between different treatment facilities  
5 results in a greater restriction of personal freedom for the patient and whenever the  
6 patient is transferred from outpatient to inpatient status, the department or the  
7 county department specified under par. (a) shall inform the patient both orally and  
8 in writing of his or her right to contact an attorney and a member of his or her  
9 immediate family, the right to have counsel provided at public expense, as provided  
10 under s. ~~967.06~~ and ch. ~~977~~, if the patient is a child or is indigent 51.60, and the right  
11 to petition a court in the county in which the patient is located or the committing  
12 court for a review of the transfer.

13 ~~SECTION 13~~ <sup>12</sup> 51.35 (1) (e) 2. c. of the statutes is amended to read:

14 51.35 (1) (e) 2. c. The patient's right to have counsel provided at public expense,  
15 as provided under s. ~~967.06~~ and ch. ~~977~~, if the patient is a child or is indigent 51.60.

16 ~~SECTION 14~~ <sup>11</sup> 51.45 (12) (b) (intro.), 1. and 3. of the statutes are consolidated,  
17 renumbered 51.45 (12) (b) and amended to read:

18 51.45 (12) (b) The physician, spouse, guardian, or a relative of the person  
19 sought to be committed, or any other responsible person, may petition a circuit court  
20 commissioner or the circuit court of the county in which the person sought to be  
21 committed resides or is present for commitment under this subsection. The petition  
22 shall: ~~1. State state~~ facts to support the need for emergency treatment; ~~3. Be and~~  
23 be supported by one or more affidavits which that aver with particularity the factual  
24 basis for the allegations contained in the petition.

25 ~~SECTION 15~~ <sup>11</sup> 51.45 (12) (b) 2. of the statutes is repealed.

## BILL

1           SECTION ~~16~~ 51.45 (12) (c) 2. of the statutes is amended to read:

2           51.45 (12) (c) 2. Assure that the person sought to be committed is represented  
3 by counsel and, ~~if the person claims or appears to be indigent, refer the person to the~~  
4 ~~authority for indigency determinations specified under s. 977.07 (1) or, if the person~~  
5 ~~is a child, refer that child~~ by referring the person to the state public defender, who  
6 shall appoint counsel for the ~~child~~ person without a determination of indigency, as  
7 provided in s. ~~48.23 (4)~~ 51.60.

8           SECTION ~~17~~ 51.45 (13) (b) 2. of the statutes is amended to read:

9           51.45 (13) (b) 2. Assure that the person is represented by counsel and, ~~if the~~  
10 ~~person claims or appears to be indigent, refer the person to the authority for~~  
11 ~~indigency determinations specified under s. 977.07 (1) or, if the person is a child, refer~~  
12 ~~that child~~ by referring the person to the state public defender, who shall appoint  
13 counsel for the ~~child~~ person without a determination of indigency, as provided in s.  
14 ~~48.23 (4)~~ 51.60. The person shall be represented by counsel at the preliminary  
15 hearing under par. (d). The person may, with the approval of the court, waive his or  
16 her right to representation by counsel at the full hearing under par. (f).

17           SECTION ~~18~~ 51.45 (13) (d) of the statutes is amended to read:

18           51.45 (13) (d) Whenever it is desired to involuntarily commit a person, a  
19 preliminary hearing shall be held under this paragraph. The purpose of the  
20 preliminary hearing shall be to determine if there is probable cause for believing that  
21 the allegations of the petition under par. (a) are true. The person shall be represented  
22 by counsel at the preliminary hearing and, ~~if the person is a child or is indigent,~~  
23 counsel shall timely be appointed at public expense, as provided in s. ~~967.06 and ch.~~  
24 ~~977~~ 51.60. Counsel shall have access to all reports and records, psychiatric and  
25 otherwise, which have been made prior to the preliminary hearing. The person shall

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## SECTION 18

1 be present at the preliminary hearing and shall be afforded a meaningful  
2 opportunity to be heard. Upon failure to make a finding of probable cause under this  
3 paragraph, the court shall dismiss the petition and discharge the person from the  
4 custody of the county department.

5 ~~SECTION 19.~~ <sup>#</sup> 51.45 (13) (j) of the statutes is amended to read:

6 51.45 (13) (j) Upon the filing of a petition for recommitment under par. (h), the  
7 court shall fix a date for a recommitment hearing within 10 days, and assure that the  
8 person sought to be recommitted is represented by counsel ~~and, if the person is~~  
9 ~~indigent, appoint~~ by appointing counsel for him or her, ~~unless waived~~ as provided  
10 under s. 51.60. The provisions of par. (e) relating to notice and to access to records,  
11 names of witnesses, and summaries of their testimony shall apply to recommitment  
12 hearings under this paragraph. At the recommitment hearing, the court shall  
13 proceed as provided under pars. (f) and (g).

14 ~~SECTION 20.~~ <sup>#</sup> 51.45 (16) (c) of the statutes is amended to read:

15 51.45 (16) (c) Payment of attorney fees for ~~appointed attorneys in the case of~~  
16 ~~children and indigents~~ counsel appointed under s. 51.60 shall be in accordance with  
17 ch. 977.

18 ~~SECTION 21.~~ <sup>#</sup> 51.60 of the statutes is created to read:

19 **51.60 Appointment of counsel.** (1) ADULTS. (a) In any situation under this  
20 chapter in which an adult person has a right to be represented by counsel, the person  
21 shall be referred as soon as practicable to the state public defender, who shall appoint  
22 counsel for the person under s. 977.08 without a determination of indigency.

23 (b) Except as provided in s. 51.45 (13) (b) 2., par. (a) does not apply if the person  
24 knowingly and voluntarily waives counsel.

**BILL**

1           (2) CHILDREN. In any situation under this chapter in which a child has a right  
2     to be represented by counsel, counsel for the child shall be appointed as provided in  
3     s. 48.23 (4).

4           (3) RETAINED COUNSEL. Notwithstanding subs. (1) and (2), a person subject to  
5     proceedings under this chapter is entitled to retain counsel of his or her own choosing  
6     at his or her own expense.

7           **SECTION 22.** 55.06 (11) (a) of the statutes is amended to read:

8           55.06 (11) (a) If from personal observation of a sheriff, police officer, fire fighter,  
9     guardian, if any, or authorized representative of a board designated under s. 55.02  
10    or an agency designated by it it appears probable that an individual will suffer  
11    irreparable injury or death or will present a substantial risk of serious physical harm  
12    to others as a result of developmental disabilities, infirmities of aging, chronic  
13    mental illness, or other like incapacities if not immediately placed, the person  
14    making the observation may take into custody and transport the individual to an  
15    appropriate medical or protective placement facility. The person making placement  
16    shall prepare a statement at the time of detention providing specific factual  
17    information concerning the person's observations and the basis for emergency  
18    placement. The statement shall be filed with the director of the facility and shall also  
19    be filed with any petition under sub. (2). At the time of placement the individual shall  
20    be informed by the director of the facility or the director's designee, both orally and  
21    in writing, of his or her right to contact an attorney and a member of his or her  
22    immediate family and the right to have an attorney provided at public expense, as  
23    provided under ~~s. 967.06 and ch. 977, if the individual is a child or is indigent~~ par.  
24    (bm). The director or designee shall also provide the individual with a copy of the  
25    statement by the person making emergency placement.

**BILL****SECTION 23**

1       **SECTION 23.** 55.06 (11) (bm) of the statutes is created to read:

2       55.06 (11) (bm) 1. Unless an adult individual subject to an emergency  
3 placement under par. (a) knowingly and voluntarily waives counsel, the individual  
4 shall be referred as soon as practicable to the state public defender, who shall appoint  
5 counsel for the individual under s. 977.08 without a determination of indigency.

6       2. If a child is subject to an emergency placement under par. (a), counsel for the  
7 child shall be appointed as provided in s. 48.23 (4).

8       3. Notwithstanding subds. 1. and 2., a person subject to an emergency  
9 placement under par. (a) is entitled to retain counsel of his or her own choosing at  
10 his or her own expense.

11       **SECTION 24.** 303.065 (5) (dm) of the statutes is amended to read:

12       303.065 (5) (dm) Payment for legal representation under s. 977.07 ~~(2)~~ (2m),  
13 977.075 or 977.076;

14       **SECTION 25.** 809.30 (2) (d) of the statutes, as affected by Supreme Court Order  
15 02–01, is amended to read:

16       809.30 (2) (d) *Indigency redetermination.* Except as provided in this  
17 paragraph, whenever a person whose trial counsel is appointed by the state public  
18 defender files a notice under par. (b) requesting public defender representation for  
19 purposes of postconviction or postdisposition relief, the prosecutor may, within 5  
20 days after the notice is served and filed, file in the circuit court and serve upon the  
21 state public defender a request that the person's indigency be redetermined before  
22 counsel is appointed or transcripts are requested. This paragraph does not apply to  
23 a child or juvenile who is entitled to be represented by counsel under s. 48.23, 51.60  
24 (1), 55.06 (11) (a), 880.33 (2) (a) 2., or 938.23.

25       **SECTION 26.** 814.69 (1) (a) of the statutes is amended to read:

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1           814.69 (1) (a) For a transcript under SCR 71.04, a fee at the rate of \$1.50 per  
2   25–line page for the original and 50 cents per 25–line page for the duplicate. Except  
3   as provided in s. 967.06 (3), the fee shall be paid by the county treasurer upon the  
4   certificate of the clerk of court.

5           **SECTION 27.** 880.33 (2) (a) 2. of the statutes is amended to read:

6           880.33 (2) (a) 2. If the person requests but is unable to obtain legal counsel, the  
7   court shall appoint legal counsel. If the petition contains the allegations under s.  
8   880.07 (1m), the court shall refer the person to the state public defender, who shall  
9   appoint counsel under s. 977.08 without a determination of indigency. If the person  
10   is represented by counsel appointed under s. 977.08 in a proceeding for a protective  
11   placement under s. 55.06 ~~or for the appointment of a guardian under s. 880.07 (1m),~~  
12   the court shall order the counsel appointed under s. 977.08 to represent the person.

13          **SECTION 28.** 967.06 of the statutes is renumbered 967.06 (1) and amended to  
14   read:

15          967.06 (1) As soon as practicable after a person has been detained or arrested  
16   in connection with any offense ~~which~~ that is punishable by incarceration, or in  
17   connection with any civil commitment proceeding, or in any other situation in which  
18   a person is entitled to counsel regardless of ability to pay under the constitution or  
19   laws of the United States or this state, the person shall be informed of his or her right  
20   to counsel. ~~Persons~~

21          (2) (a) Except as provided in par. (b), a person entitled to counsel under sub.  
22   (1) who indicate indicates at any time that ~~they wish~~ he or she wants to be  
23   represented by a lawyer, and who ~~claim that they are~~ claims that he or she is not able  
24   to pay in full for a lawyer's services, shall immediately be permitted to contact the  
25   authority for indigency determinations specified under s. 977.07 (1). The authority



**BILL****SECTION 28**

1 for indigency determination in each county shall have daily telephone access to the  
2 county jail in order to identify all persons who are being held in the jail. The jail  
3 personnel shall provide by phone information requested by the authority.

4 (3) In any case in which the state public defender provides representation to  
5 an indigent person, the public defender may request that the applicable court  
6 reporter or clerk of circuit court prepare and transmit any transcript or court record.  
7 The request shall be complied with. The state public defender shall, from the  
8 appropriation under s. 20.550 (1) (f), compensate the court reporter or clerk of circuit  
9 court for the cost of preparing, handling, duplicating, and mailing the documents.

10 **SECTION 29.** 967.06 (2) (b) of the statutes is created to read:

11 967.06 (2) (b) If the person indicating that he or she wants to be represented  
12 by a lawyer is detained under ch. 51 or 55, the person shall be referred for  
13 appointment of counsel as provided under s. 51.60 or 55.06 (11) (bm), whichever is  
14 applicable.

15 **SECTION 30.** 973.06 (1) (e) of the statutes is amended to read:

16 973.06 (1) (e) Attorney fees payable to the defense attorney by the county or  
17 the state. If the court determines at the time of sentencing that the defendant's  
18 financial circumstances are changed, the court may adjust the amount in accordance  
19 with s. 977.07 (1) (a) and ~~(2)~~ (2g).

20 **SECTION 31.** 977.02 (2m) of the statutes is amended to read:

21 977.02 **(2m)** Promulgate rules regarding eligibility for legal services under this  
22 chapter, including legal services for children who are entitled to be represented by  
23 counsel without a determination of indigency, as provided in s. 48.23 (4), 51.60 (1),  
24 55.06 (11) (a), 880.33 (2) (a) 2., or 938.23 (4).

25 **SECTION 32.** 977.02 (3) of the statutes is amended to read:

**BILL**

1           977.02 (3) Promulgate rules regarding the determination of indigency of  
2 persons entitled to be represented by counsel, other than ~~children~~ persons who are  
3 entitled to be represented by counsel under s. 48.23, 51.60 (1), 55.06 (11) (a), 880.33  
4 (2) (a) 2., or 938.23, including the time period in which the determination must be  
5 made and the criteria to be used to determine indigency and partial indigency.

6           **SECTION 33.** 977.05 (4) (gm) of the statutes is amended to read:

7           977.05 (4) (gm) In accordance with the standards under pars. (h) and (i), accept  
8 referrals from judges and courts for the provision of legal services without a  
9 determination of indigency of ~~children~~ persons who are entitled to be represented by  
10 counsel under s. 48.23, 51.60 (1), 55.06 (11) (a), 880.33 (2) (a) 2., or 938.23, appoint  
11 counsel in accordance with contracts and policies of the board, and inform the  
12 referring judge or court of the name and address of the specific attorney who has been  
13 assigned to the case.

14           **SECTION 34.** 977.05 (4) (h) of the statutes is amended to read:

15           977.05 (4) (h) Accept requests for legal services from ~~children~~ persons who are  
16 entitled to be represented by counsel under s. 48.23, 51.60 (1), 55.06 (11) (a), 880.33  
17 (2) (a) 2., or 938.23 and from indigent persons who are entitled to be represented by  
18 counsel under s. 967.06 or who are otherwise so entitled under the constitution or  
19 laws of the United States or this state and provide such persons with legal services  
20 when, in the discretion of the state public defender, such provision of legal services  
21 is appropriate.

22           **SECTION 35.** 977.05 (4) (i) 4. of the statutes is amended to read:

23           977.05 (4) (i) 4. Cases involving persons subject to emergency detention or  
24 involuntary civil commitment under ch. 51, emergency detention under s. 55.06 (11)  
25 (a), or a guardianship petition containing the allegations under s. 880.07 (1m).

**BILL****SECTION 36**

~~SECTION 36.~~ 977.06 (1) (a) of the statutes is amended to read:

977.06 (1) (a) Verify the information necessary to determine indigency under s. 977.07 (2) (2g). The information provided by a person seeking assigned counsel that is subject to verification shall include any social security numbers provided on an application under sub. (1m), income records, value of assets, eligibility for public assistance, as defined in s. 106.215 (1) (fm), and claims of expenses.

~~SECTION 37.~~ 977.06 (1m) of the statutes is amended to read:

977.06 (1m) APPLICATION FOR REPRESENTATION. The state public defender shall request each person seeking to have counsel assigned for him or her under s. 977.08, other than a ~~child~~ person who is entitled to be represented by counsel under s. 48.23, 51.60 (1), 55.06 (11) (a), 880.33 (2) (a) 2., or 938.23, to provide the state public defender with his or her social security number and the social security numbers of his or her spouse and dependent children, if any.

~~SECTION 38.~~ 977.06 (2) (a) of the statutes is amended to read:

977.06 (2) (a) A person seeking to have counsel assigned for him or her under s. 977.08, other than a child who is entitled to be represented by counsel under s. 48.23 or 938.23, shall sign a statement declaring that he or she has not disposed of any assets for the purpose of qualifying for that assignment of counsel. If the representative or authority making the indigency determination finds that any asset was disposed of for less than its fair market value for the purpose of obtaining that assignment of counsel, the asset shall be counted under s. 977.07 (2) (2g) at its fair market value at the time it was disposed of, minus the amount of compensation received for the asset.

**SECTION 39.** 977.06 (2) (a) of the statutes, as affected by 2003 Wisconsin Act .... (this act), is amended to read:

**BILL**

1           977.06 (2) (a) A person seeking to have counsel assigned for him or her under  
2   s. 977.08, other than a ~~child~~ person who is entitled to be represented by counsel under  
3   s. 48.23, 51.60 (1), 55.06 (11) (a), 880.33 (2) (a) 2., or 938.23, shall sign a statement  
4   declaring that he or she has not disposed of any assets for the purpose of qualifying  
5   for that assignment of counsel. If the representative or authority making the  
6   indigency determination finds that any asset was disposed of for less than its fair  
7   market value for the purpose of obtaining that assignment of counsel, the asset shall  
8   be counted under s. 977.07 <sup>(a)</sup> ~~(2g)~~ at its fair market value at the time it was disposed  
9   of, minus the amount of compensation received for the asset.

10           **SECTION 40.** 977.06 (2) (am) of the statutes is amended to read:

11           977.06 (2) (am) A person seeking to have counsel assigned for him or her under  
12   s. 977.08, other than a ~~child~~ person who is entitled to be represented by counsel under  
13   s. 48.23, 51.60 (1), 55.06 (11) (a), 880.33 (2) (a) 2., or 938.23, shall sign a statement  
14   declaring that the information that he or she has given to determine eligibility for  
15   assignment of counsel he or she believes to be true and that he or she is informed that  
16   he or she is subject to the penalty under par. (b).

17           **SECTION 41.** 977.07 (1) (a) of the statutes is amended to read:

18           977.07 (1) (a) Determination of indigency for persons entitled to counsel shall  
19   be made as soon as possible and shall be in accordance with the rules promulgated  
20   by the board under s. 977.02 (3) and the system established under s. 977.06. No  
21   determination of indigency is required for a ~~child~~ person who is entitled to be  
22   represented by counsel under s. 48.23, 51.60 (1), 55.06 (11) (a), 880.33 (2) (a) 2., or  
23   938.23.

24           **SECTION 42.** 977.07 (1) (c) of the statutes is amended to read:

**BILL**

1           977.07 (1) (c) For all referrals made under ss. 809.30, 974.06 (3) (b), and 974.07  
2           (11), except a referral of a child who is entitled to be represented by counsel under  
3           s. 48.23, 51.60 (1), 55.06 (11) (a), 880.33 (2) (a) 2., or 938.23, a representative of the  
4           state public defender shall determine indigency. For referrals made under ss. 809.30  
5           and 974.06 (3) (b), except a referral of a child who is entitled to be represented by  
6           counsel under s. 48.23 or 938.23, the representative of the state public defender may,  
7           unless a request for redetermination has been filed under s. 809.30 (2) (d) or the  
8           defendant's request for representation states that his or her financial circumstances  
9           have materially improved, rely upon a determination of indigency made for purposes  
10          of trial representation under this section.

11          **SECTION 43.** 977.07 (2) of the statutes is repealed.

12          **SECTION 44.** 977.07 (2g) of the statutes is created to read:

13          **977.07 (2g)** The representative of the state public defender or the authority for  
14          indigency determinations shall determine that an individual is indigent if the  
15          individual satisfies the financial eligibility requirements for a Wisconsin works  
16          group under s. 49.145 (3), except that in determining the value of the individual's  
17          assets under s. 49.145 (3) (a), the representative of the state public defender or the  
18          authority shall exclude only up to \$30,000 of the equity value of a home that serves  
19          as the individual's homestead. The state public defender shall consider any assets  
20          or income of the spouse of the person claiming to be indigent as if they were assets  
21          of the person, unless the spouse was the victim of a crime allegedly committed by the  
22          person.

23          **SECTION 45.** 977.075 (6) of the statutes is created to read:

24          **977.075 (6)** If the state public defender appoints counsel for a person who is  
25          entitled under s. 51.60 (1), 55.06 (11) (a), or 880.33 (2) (a) 2. to appointment of counsel

## BILL

1 without a determination of indigency, the state public defender shall charge the  
2 person \$60 for the legal representation at the close of the legal proceedings for which  
3 counsel was appointed.

4 ~~SECTION 46. 977.077 of the statutes is renumbered 977.077 (1).~~

5 ~~SECTION 47. 977.077 (2) of the statutes is created to read:~~

6 ~~977.077 (2) From the appropriation under s. 20.550 (1) (L), the state public~~  
7 ~~defender shall reimburse counties for the amounts paid under s. 977.07, 977.075, or~~  
8 ~~977.076 in connection with cases for which the state public defender charged~~  
9 ~~counties fees under 2003 Wisconsin Act ... (this act), section 52 (1).~~

10 ~~SECTION 48.~~ 977.08 (1) of the statutes is amended to read:

11 977.08 (1) If the representative or the authority for indigency determinations  
12 specified under s. 977.07 (1) refers a case to or within the office of the state public  
13 defender or if a case is referred under s. 48.23 (4), 51.60 (1), 55.06 (11) (bm) 1., 880.33  
14 (2) (a) 2., or 938.23 (4), the state public defender shall assign counsel according to  
15 subs. (3) and (4). If a defendant makes a request for change of attorney assignment,  
16 the change of attorney must be approved by the circuit court.

17 ~~SECTION 49.~~ 977.08 (2) (intro.) of the statutes is amended to read:

18 977.08 (2) (intro.) All attorneys in a county shall be notified in writing by the  
19 state public defender that a set of lists is being prepared of attorneys willing to  
20 represent ~~children~~ persons referred under s. 48.23 (4), 51.60 (1), 55.06 (11) (bm) 1.,  
21 880.33 (2) (a) 2., or 938.23 (4) and indigent clients in the following:

22 ~~SECTION 50.~~ 977.08 (2) (d) of the statutes is repealed.

23 ~~SECTION 51.~~ 977.085 (3) of the statutes is amended to read:

24 977.085 (3) The board shall provide quarterly reports to the joint committee  
25 on finance on the status of reimbursement for or recoupment of payments under ss.

FNS  
17-3

## BILL

## SECTION 51

1 48.275, 757.66, 938.275, 977.06, 977.07 (2) (2m), 977.075 and 977.076, including the  
2 amount of revenue generated by reimbursement and recoupment. The quarterly  
3 reports shall include any alternative means suggested by the board to improve  
4 reimbursement and recoupment procedures and to increase the amount of revenue  
5 generated. The department of justice, district attorneys, circuit courts and  
applicable county agencies shall cooperate by providing any necessary information  
to the state public defender.

## SECTION 52. Nonstatutory provisions.

6 *Create A.R. 37*  
7 *PAYMENTS*  
8 *Create A.R. 1*  
9 *January 1, 2004 and before June 16, 2005*  
10 (1) COUNTY REIMBURSEMENT. The state public defender shall charge counties  
fees for providing legal representation to persons who are determined to be indigent  
11 under section 977.07 (2g) of the statutes, as created by this act, for whom an  
12 indigency finding would not have been made under section 977.07 (2), 2001 stats.,  
13 and for whom the state public defender assigns counsel under section 977.08 of the  
14 statutes, on or after the effective date of this subsection and before December 31,  
15 *2004*. The state public defender shall establish a flat fee for each type of case for  
16 which representation by the office of the state public defender is based on indigency.  
17 The state public defender shall assess the applicable fee when the public defender  
18 assigns counsel for a person. For criminal cases, the county in which a defendant is  
19 charged shall pay the fee. Fees paid by counties under this subsection shall be  
20 credited to the appropriation accounts under section 20.550 (1) (j) and (ja) of the  
21 statutes, as created by this act.

22 (2) POSITION INCREASE. The authorized FTE positions for the public defender  
23 board are increased by 44.25 PR positions on *October 1, 2003*, to be funded from the  
24 appropriation under section 20.550 (1) (ja) of the statutes, as created by this act, for

## BILL

1 the purpose of providing legal representation to persons for whom the state public  
2 defender assigns counsel.

3 (3) POSITION CHANGE.

4 (a) The authorized FTE positions for the public defender board are decreased  
5 by 44.25 PR positions on January 1, 2005, to convert the PR positions authorized  
6 under subsection (2) to GPR positions.

7 (b) The authorized FTE positions for the public defender board are increased  
8 by 44.25 GPR positions on January 1, 2005, to be funded from the appropriation  
9 under section 20.550 (1) (c) of the statutes, to convert the PR positions authorized  
10 under subsection (2) to GPR positions.

11 **SECTION 53. Appropriation changes.**

12 (1) POSITIONS. In the schedule under section 20.005 (3) of the statutes for the  
13 appropriation to the public defender board under section 20.550 (1) (c) of the statutes,  
14 as affected by the acts of 2003, the dollar amount is increased by \$1,284,600 for fiscal  
15 year 2004–05 to fund the 44.25 positions that are converted from PR positions to GPR  
16 positions under SECTION 52 (3) of this act.

17 **SECTION 54. Initial applicability.**

18 (1) INDIGENCY DETERMINATIONS. The treatment of sections 20.550 (1) (fb),  
19 303.065 (5) (dm), 973.06 (1) (e), 977.06 (1) (a), 977.06 (2) (a) (by SECTION 38), 977.07  
20 (2) and (2g), and 977.085 (3) of the statutes and SECTION 52 (1) of this act first apply  
21 to cases opened on the effective date of this subsection.

22 (2) REPRESENTATION IN CIVIL COMMITMENT, PROTECTIVE PLACEMENT, AND  
23 GUARDIANSHIP CASES.

24 (a) *Emergency mental health detentions.* The treatment of sections 51.15 (9),  
25 51.60, 809.30 (2) (d), 977.02 (3), 977.05 (4) (gm), (h), and (i) 4., 977.06 (1m) and (2)

(with respect to the criteria for determining indigency)

June 16

\$98,800

to  
P. 1 of  
insert  
Create  
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19-16



## BILL

1 (a) (by SECTION 39) and (am), 977.07 (1) (a) and (c), and 977.08 (1) and (2) (intro.) and  
2 (d) of the statutes (with respect to the appointment of counsel for persons subject to  
3 an emergency detention under section 51.15 of the statutes) first applies to  
4 emergency detentions occurring on the effective date of this paragraph.

5 (b) *Involuntary commitments for mental health treatment.* The treatment of  
6 sections 51.20 (3) and (18) (c), 51.60, 809.30 (2) (d), 977.02 (3), 977.05 (4) (gm), (h),  
7 and (i) 4., 977.06 (1m) and (2) (a) (by SECTION 39) and (am), 977.07 (1) (a) and (c), and  
8 977.08 (1) and (2) (intro.) and (d) of the statutes (with respect to the appointment of  
9 counsel for persons subject to an involuntary commitment proceeding under section  
10 51.20 of the statutes) first applies to proceedings commenced on the effective date of  
11 this paragraph.

12 (c) *Transfers of patients.* The treatment of sections 51.35 (1) (e) 1. and 2. c.,  
13 51.60, 809.30 (2) (d), 977.02 (3), 977.05 (4) (gm), (h), and (i) 4., 977.06 (1m) and (2)  
14 (a) (by SECTION 39) and (am), 977.07 (1) (a) and (c), and 977.08 (1) and (2) (intro.) and  
15 (d) of the statutes (with respect to the appointment of counsel for persons subject to  
16 a transfer under section 51.35 of the statutes) first applies to transfers occurring on  
17 the effective date of this paragraph.

18 (d) *Involuntary commitments for treatment of alcoholism.* The treatment of  
19 sections 51.45 (12) (b) (intro.), 1., 2., and 3., and (c) 2., (13) (b) 2., (d), and (j), and (16)  
20 (c), 51.60, 809.30 (2) (d), 977.02 (3), 977.05 (4) (gm), (h), and (i) 4., 977.06 (1m) and  
21 (2) (a) (by SECTION 39) and (am), 977.07 (1) (a) and (c), and 977.08 (1) and (2) (intro.)  
22 and (d) of the statutes (with respect to the appointment of counsel for persons subject  
23 to a commitment or recommitment proceeding under section 51.45 of the statutes)  
24 first applies to proceedings for commitment or recommitment commenced on the  
25 effective date of this paragraph.

## BILL

(e) *Protective placements proceedings.* The treatment of sections 51.60, 55.06 (11) (a) and (bm), 809.30 (2) (d), 977.02 (3), 977.05 (4) (gm), (h), and (i) 4., 977.06 (1m) and (2) (a) (by SECTION 39) and (am), 977.07 (1) (a) and (c), and 977.08 (1) and (2) (intro.) and (d) of the statutes (with respect to the appointment of counsel for persons subject to an emergency detention under section 55.06 (11) of the statutes) first applies to emergency detentions occurring on the effective date of this paragraph.

(f) *Guardianship proceedings.* The treatment of sections 51.60, 809.30 (2) (d), 880.33 (2) (a) 2., 977.02 (3), 977.05 (4) (gm), (h), and (i) 4., 977.06 (1m) and (2) (a) (by SECTION 39) and (am), 977.07 (1) (a) and (c), and 977.08 (1) and (2) (intro.) and (d) of the statutes (with respect to the appointment of counsel for persons subject to a guardianship proceeding under chapter 880 of the statutes) first applies to guardianship proceedings commenced on the effective date of this paragraph.

**SECTION 55. Effective dates.** This act takes effect on ~~the day after publication~~ or 2 days after publication of the 2003-05 biennial budget act, whichever is later, except as follows:

(1) **APPROPRIATION REPEAL.** The treatment of section 20.550 (1) (by SECTION 39) and (ja) (by SECTION 7) of the statutes takes effect on July 1, 2005.

(2) **REPRESENTATION IN CIVIL COMMITMENT, PROTECTIVE PLACEMENT, AND GUARDIANSHIP CASES.** The treatment of sections 20.550 (1) (f), 51.15 (9), 51.20 (3) and (18) (c), 51.35 (1) (e) 1. and 2. c., 51.45 (12) (b) (intro.), 1., 2., and 3. and (c) 2., (13) (b) 2., (d), and (j), and (16) (c), 51.60, 55.06 (11) (a) and (bm), 809.30 (2) (d), 814.69 (1) (a), 880.33 (2) (a) 2., 977.02 (2m) and (3), 977.05 (4) (gm), (h), and (i) 4., 977.06 (1m) and (2) (a) (by SECTION 39) and (am), 977.07 (1) (a) and (c), 977.075 (6), and 977.08 (1) and (2) (intro.) and (d) of the statutes, the renumbering and amendment of section 967.06

and (Lm) (by SECTION A.R. 21)

January 1, 2004

**BILL**

**SECTION 55**

1 of the statutes, the creation of section 967.06 (2) (b) of the statutes and SECTION 54  
2 (2) of this act take effect on January 1, 2005.

3 (END)

2003-2004 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU

LRB-2730/2ins  
RLR:.....

1 **Ins Anal 1:**

No H The bill also provides the State Public Defender Board position authority to hire 44.25 full-time equivalent positions on January 1, 2004, to be funded from the fees paid by counties. These positions are converted to general purpose revenue positions on July 16, 2005.

2  
3  
4 **Ins 5-2:**

5 **SECTION 1** 20.550 (1) (Lm) of the statutes is created to read:

6 20.550 (1) (Lm) *Payments from clients; county reimbursement.* All <sup>moneys</sup> ~~monies~~  
7 received as payment from clients in cases for which the counties pay a fee under 2003  
8 Wisconsin Act .... (this act), section <sup>A.R. 3</sup> (1) <sup>A.R. 1</sup>, after first deducting the amount lapsed  
9 under 2003 Wisconsin Act .... (this act), section <sup>A.R. K1</sup> (1) <sup>A.R. Z2</sup>, to reimburse counties as provided  
10 under s. 977.077 (2).

11 <sup>Create</sup> **SECTION 2** 20.550 (1) (Lm) of the statutes, as created by 2003 Wisconsin Act  
12 <sup>A.R. Z1</sup> ~~to P. 21~~ ... (this act), is amended to read:

13 20.550 (1) (Lm) *Payments from clients; county reimbursement.* All <sup>moneys</sup> ~~monies~~  
14 received as payment from clients in cases for which the counties pay a fee under 2003  
15 Wisconsin Act .... (this act), section <sup>A.R. 3</sup> (1) <sup>A.R. 1</sup>, after first deducting the amount lapsed  
16 under 2003 Wisconsin Act .... (this act), section <sup>A.R. K1</sup> (1) <sup>A.R. Z2</sup>, to reimburse counties as provided  
17 under s. 977.077 (2). <sup>(1) ← strike</sup>

18  
19 **Ins 17-3:**

20 **SECTION 3** 977.077 of the statutes is renumbered 977.077 (1) and amended to  
21 read:

1 977.077 (1) Payments received pursuant to s. 977.07, 977.075, or 977.076 for  
2 services provided by the state public defender or other counsel under this chapter in  
3 cases for which counties pay a fee under 2003 Wisconsin Act .... (this act), section  
4 (2), shall be deposited in the state treasury and credited to the appropriation under  
5 s. 20.550 (1) (Lm). All other payments for services provided by the state public  
6 defender or other counsel under this chapter that are received pursuant to s. 977.07,  
7 977.075, or 977.076 shall be deposited in the state treasury and credited to the  
8 appropriation under s. 20.550 (1) (L).

History: 1995 a. 27.

9 SECTION 4. 977.077 (2) of the statutes is created to read:

10 977.077 (2) From the appropriation under s. 20.550 (1) (Lm), the state public  
11 defender shall pay counties <sup>moneys</sup> ~~moneys~~ that are collected from clients under s. 977.07,  
12 977.075, or 977.076 as payment for legal services provided by the state public  
13 defender or other counsel under this chapter in cases for which the counties pay a  
14 fee under 2003 Wisconsin Act .... (this act), section (1).  
15

16 Ins 19-16:

17 Create A.R. 22 (1) LAPSE TO THE GENERAL FUND. Notwithstanding section 20.001 (3) (c) of the  
18 statutes and section 977.077 (2) of the statutes, as created by this act, on June 30,  
19 2005, there is lapsed to the general fund from the appropriation account of the public  
20 defender board under section 20.550 (1) (Lm), as created by this act, \$98,800 or all  
21 moneys credited to the appropriation account in fiscal year 2004-05, whichever is  
22 less.